

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 05-00248 MJS
)	
Plaintiff,)	
)	
VS.)	
)	
)	
KEVIN PATRICK CASH)	
)	DECLARATION OF COUNSEL
Defendant.)	
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DECLARATION OF COUNSEL

1. I, MARY ANN BARNARD, represent Defendant KEVIN PATRICK CASH in the above-entitled case.

2. Counsel further asserts that, after reviewing various items of discovery, and the written statements of prospective State's witnesses, she believes that inadmissible evidence may be elicited through witnesses, which would violate the defendant's right to due process of law, his right to confront the witnesses against him, his right to a fair trial, and the Federal Rules of Evidence.

3. Counsel therefore requests that this Court instruct and order the government not to elicit such evidence from its witnesses directly, or indirectly through witnesses who "volunteer" or otherwise adduce such inadmissible evidence, upon the pain of a dismissal with prejudice.

4. Counsel declares under penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawai'i, April 18, 2006.

Mary Ann Barnard
MARY ANN BARNARD